

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Docket No.: 1:18-cv-11336-FDS

COMMONWEALTH OF MASSACHUSETTS  
*ex rel.* MYKEL POWELL, COMMONWEALTH  
SECOND AMENDMENT, INC. and BRENT  
CARLTON; and MYKEL POWELL,

Plaintiffs,

v.

BRIAN HOLMES, in his Individual and his  
Official Capacity as the Sergeant of the Stoughton  
Police Department; JAMES O'CONNOR, in his  
Individual and his Official Capacity as Deputy  
Chief of the Stoughton Police Department;  
DONNA M. McNAMARA, in her Individual and  
his Official Capacity as Chief of the Stoughton  
Police Department; VILLAGE GUN SHOP, INC.  
d/b/a VILLAGE VAULT; and PETER DOWD,

Defendants

**DEPOSITION SUBPOENA PURSUANT TO M.R.C.P. RULE 30(b)(6) AND RULE 45**

**TO: Massachusetts State Police  
c/o Jennifer Staples, General Counsel  
470 Worcester Road  
Framingham, MA 0170**

**GREETINGS:**

YOU ARE HEREBY COMMANDED in the name of the Commonwealth of  
Massachusetts in accordance with the provisions of Rule 45 of the Federal Rules of Civil  
Procedure to appear and testify pursuant to Rule 30(b)(6) concerning the matters identified in the  
attached Schedule A on behalf of the Stoughton Defendants at the offices of Attorney Thomas R.  
Donohue, Brody, Hardoon, Perkins & Kesten, LLP, 699 Boylston Street, 12<sup>th</sup> Floor, Boston,

Massachusetts 02116, on Thursday, April 16, 2020 at 10:00 a.m., before a Notary Public of the Commonwealth of Massachusetts or some before some other officer authorized by law to administer oath. Pursuant to Rule 30(b)(6), the **Massachusetts State Police** "shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf" concerning the matters set out in the attached Schedule A. You are further requested to bring with you the documents identified on the attached Schedule B.

Foregoing counsel hereby certifies that the attached notice has been mailed this day to Plaintiffs' counsel.

The deponent herein must produce proper identification at the time of his/her deposition. Accepted forms of identification are at least one current document issued by a Federal or State government agency, i.e. driver's license, a valid passport, military ID or another government-issued document evidencing the individual's nationality or residence. The identification must bear a photographic image of the individual's face and signature.

Hereof fail not as you will answer your default under the pains and penalties in the law in that behalf made and provided.

Thomas Donohue

Thomas R. Donohue  
Brody, Hardoon, Perkins & Kesten, LLP  
699 Boylston Street, 12<sup>th</sup> Floor  
Boston, MA 02116  
(617) 880-7100  
[tdonohue@bhpklaw.com](mailto:tdonohue@bhpklaw.com)  
[Attorney for Brian Holmes, James O'Connor, and  
Donna McNamara]

DATED: February 11, 2020

Joann M. McBrien  
Notary Public:

My Commission Expires 2/6/24



**SCHEDULE A**

**The designated deponent most knowledgeable shall *testify* to the following matters:**

1. The Massachusetts State Police receiving firearms or ammunition from municipal police departments (when the firearms and ammunition are not considered evidence of a crime);
2. The Commonwealth receiving firearms or ammunition from municipal police departments (when the firearms and ammunition are not considered evidence of a crime);
3. The Massachusetts State Police receiving firearms or ammunition pursuant to M.G.L. c. 140 §129D;
4. The Commonwealth receiving firearms or ammunition pursuant to M.G.L. c. 140 §129D;
5. The Massachusetts State Police selling at auction firearms or ammunition;
6. The Commonwealth selling at auction firearms or ammunition;
7. The Massachusetts State Police's disposal of firearms;
8. The Commonwealth's disposal of firearms;
9. The Massachusetts State Police remitting proceeds of firearm or ammunition sales to the state treasurer or Commonwealth; and
10. The Commonwealth benefitting from the Massachusetts State Police's sale or auctioning of firearms or ammunition.

**SCHEDULE B**

**The designated deponent most knowledgeable shall *bring* the following documents with him/her to the deposition:**

1. Any and all documents regarding the Massachusetts State Police receiving firearms or ammunition from municipal police departments (when the firearms and ammunition are not considered evidence of a crime);
2. Any and all documents regarding the Commonwealth receiving firearms or ammunition from municipal police departments (when the firearms and ammunition are not considered evidence of a crime);

3. Any and all documents regarding the Massachusetts State Police receiving firearms or ammunition pursuant to M.G.L. c. 140 §129D;
4. Any and all documents regarding the Commonwealth receiving firearms or ammunition pursuant to M.G.L. c. 140 §129D;
5. Any and all documents regarding the Massachusetts State Police selling at auction firearms or ammunition;
6. Any and all documents regarding the Commonwealth selling at auction firearms or ammunition;
7. Any and all documents regarding the Massachusetts State Police's disposal of firearms;
8. Any and all documents regarding the Commonwealth's disposal of firearms;
9. Any and all documents regarding the Massachusetts State Police remitting proceeds of firearm or ammunition sales to the state treasurer or Commonwealth; and
10. Any and all documents regarding the Commonwealth benefitting from the Massachusetts State Police's sale or auctioning of firearms or ammunition.

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Chief of the Stoughton Police Department;  
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his Official Capacity as Chief of the Stoughton  
Police Department; VILLAGE GUN SHOP, INC.  
d/b/a VILLAGE VAULT; and PETER DOWD,

Defendants

**DEPOSITION SUBPOENA PURSUANT TO M.R.C.P. RULE 30(b)(6) AND RULE 45**

**TO: Executive Office of Public Safety and Security (EOPSS)  
1 Ashburton Place, Suite 2133  
Boston, MA 02108**

**GREETINGS:**

YOU ARE HEREBY COMMANDED in the name of the Commonwealth of  
Massachusetts in accordance with the provisions of Rule 45 of the Federal Rules of Civil  
Procedure to appear and testify pursuant to Rule 30(b)(6) concerning the matters identified in the  
attached Schedule A on behalf of the Stoughton Defendants at the offices of Attorney Thomas R.  
Donohue, Brody, Hardoon, Perkins & Kesten, LLP, 699 Boylston Street, 12<sup>th</sup> Floor, Boston,

Massachusetts 02116, on Thursday, April 16, 2020 at 2:00 p.m. before a Notary Public of the Commonwealth of Massachusetts or some before some other officer authorized by law to administer oath. Pursuant to Rule 30(b)(6), the **Executive Office of Public Safety and Security** "shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf" concerning the matters set out in the attached Schedule A. You are further requested to bring with you the documents identified on the attached Schedule B.

Foregoing counsel hereby certifies that the attached notice has been mailed this day to Plaintiffs' counsel.

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Thomas Donohue

Thomas R. Donohue  
Brody, Hardoon, Perkins & Kesten, LLP  
699 Boylston Street, 12<sup>th</sup> Floor  
Boston, MA 02116  
(617) 880-7100  
[tdonohue@bhpklaw.com](mailto:tdonohue@bhpklaw.com)  
[Attorney for Brian Holmes, James O'Connor, and  
Donna McNamara]

DATED: February 11, 2020

Joann M. McHien  
Notary Public:

My Commission Expires

2/6/26



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4. The Commonwealth receiving firearms or ammunition pursuant to M.G.L. c. 140 §129D;
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6. The Commonwealth selling at auction firearms or ammunition;
7. The Massachusetts State Police's disposal of firearms;
8. The Commonwealth's disposal of firearms;
9. The Massachusetts State Police remitting proceeds of firearm or ammunition sales to the state treasurer or Commonwealth; and
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2. Any and all documents regarding the Commonwealth receiving firearms or ammunition from municipal police departments (when the firearms and ammunition are not considered evidence of a crime);

3. Any and all documents regarding the Massachusetts State Police receiving firearms or ammunition pursuant to M.G.L. c. 140 §129D;
4. Any and all documents regarding the Commonwealth receiving firearms or ammunition pursuant to M.G.L. c. 140 §129D;
5. Any and all documents regarding the Massachusetts State Police selling at auction firearms or ammunition;
6. Any and all documents regarding the Commonwealth selling at auction firearms or ammunition;
7. Any and all documents regarding the Massachusetts State Police's disposal of firearms;
8. Any and all documents regarding the Commonwealth's disposal of firearms;
9. Any and all documents regarding the Massachusetts State Police remitting proceeds of firearm or ammunition sales to the state treasurer or Commonwealth; and
10. Any and all documents regarding the Commonwealth benefitting from the Massachusetts State Police's sale or auctioning of firearms or ammunition.